

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

\_\_\_\_\_,  
Plaintiff(s),  
v.  
\_\_\_\_\_,  
Defendant(s).

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Case No. \_\_\_\_\_  
Judge William B. Mitchell Carter

**SCHEDULING ORDER**

1. **Introduction:** Pursuant to Fed. R. Civ. P. 16(b) a scheduling conference was held in this cause on \_\_\_\_\_. Present representing the plaintiff was attorney \_\_\_\_\_. Present representing the defendant was attorney \_\_\_\_\_. The following action was taken.

2. **Jurisdiction:** In this case, the subject matter jurisdiction of the Court has been invoked pursuant to 28 U.S.C. § 1331, and [**is -or- is not**] in dispute.

3. **Consent to Magistrate Judge:** The parties do consent that all proceedings in this case may be conducted by United States Magistrate Judge William B. Mitchell Carter in accordance with 28 U.S.C. § 636(c).

4. **Settlement / Alternative Dispute Resolution:**

(a) The possibility of settlement is \_\_\_\_\_ at this time.

(b) The parties will discuss the possibility of utilizing the Federal Court Mediation Program. They will notify the Court on or before \_\_\_\_\_, 200\_\_ as to whether they think the Federal Court Mediation Program can aid in resolving this case. Letters should be sent to the attention of Geneva Ashby, U.S. District Court, 900 Georgia Avenue, Room 309, Chattanooga, Tennessee 37401.

5. **Disclosure and Discovery:**

(a) **Fed. R. Civ. P. 26(f) Meeting:** If the parties have not already done so, they will hold a discovery planning meeting as required by Rule 26(f) within ten (10) days. The location of this meeting will be as agreed by the parties.

(b) **Discovery Plan:** At the Rule 26(f) meeting the parties shall, if they have not already done so, develop a discovery plan and file it with the Court within ten (10) days after said meeting. This discovery plan shall conform to the provisions of Fed. R. Civ. P. 26(f).

(c) **Initial Disclosures**: At the Rule 26(f) meeting the parties shall, if they have not already done so, make all disclosures required by Rule 26(a)(1).

(d) **Expert Testimony**: Disclosure of any expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) shall be made by plaintiff(s) on or before **-21 weeks from trial** and by defendant(s) on or before **-17 weeks from trial**.

(e) **Final Witness List**: On or before **-15 weeks from trial**, the parties shall provide to all other parties a final witness list in accordance with Fed. R. Civ. P. 26(a)(3)(A).

(f) **All Discovery**: All discovery, including the taking of depositions "for evidence" shall be completed by **-13 weeks from trial**.

(g) **Pretrial Disclosures**: On or before **-9 weeks from trial**, the parties shall make the pretrial disclosures specified in Fed. R. Civ. P. 26(a)(3)(A)(ii) and (iii). (Deposition testimony and exhibit list). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date. Each party will have ten (10) days after service to object to witnesses or exhibits.

(h) **Courtroom Technology**: At least five (5) days before the final pretrial conference the parties shall disclose to one another and to the Court the technology they intend to use in the courtroom during the trial and how they intend to use it (e.g., display equipment; data storage, retrieval, or presentation devices). This disclosure shall list (1) equipment they intend to bring into the courtroom to use, and (2) equipment supplied by the Court which the parties intend to use. Further, the parties shall also disclose to one another the content of their electronic or digital materials and shall confirm the compatibility/viability of their planned use of technology with the Court's equipment. General information on equipment supplied by the Court is available on the Eastern District of Tennessee website ([www.tned.uscourts.gov](http://www.tned.uscourts.gov)). Specific questions about Court-supplied equipment should be directed to the presiding judge's courtroom deputy (directory available on website).

## **6. Other Scheduling Matters:**

(a) **Joinder of Parties and Amendments to the Pleadings**: If any party wishes to join one or more additional parties or amend its pleadings, such joinder or motion for leave to amend shall be filed by **-17 weeks from trial**.

(b) **Dispositive Motions**: All dispositive motions under Fed. R. Civ. P. 12 and all motions for summary judgment pursuant to Fed. R. Civ. P. 56 shall be filed as soon as possible, but no later than **-11 weeks from trial**. The failure to timely file such motions will be grounds to summarily deny them.

(c) **Motions in Limine**: Any motions in limine must be filed no later than **-3 weeks from trial**.

(d) **Proposed Findings of Fact and Conclusion of Law for Nonjury Trial**: The parties shall submit to the Court proposed findings of fact and conclusions of law, which shall be supported by citations of authority in accordance with Local Rule 52.1, no later than **-3 weeks from trial**. Proposed findings of fact shall contain a jurisdictional statement, identity of the parties, and set out the facts in

chronological order the particular party intends to prove at trial. Conclusions of law shall include (1) the elements of each cause of action and each affirmative defense, (2) who bears the burden of proof, (3) the standard by which each cause of action or affirmative defense must be proven, and (4) the appropriate type of remedy or remedies for each cause of action. Conclusions of law must be supported with appropriate authority pursuant to Local Rule 7.4 and should not be argumentative. Each party shall send a copy of the prepared proposed findings of fact and conclusion of law as an electronic mail attachment in Word Perfect or Word Perfect-compatible format to [carter\\_chambers@tned.uscourts.gov](mailto:carter_chambers@tned.uscourts.gov).

\_\_\_\_\_  
-- or --

***Special Requests to Instruct for Jury Trial:*** Each party shall submit jury instructions for *each cause of action and for each affirmative defense to be litigated at trial*. The instructions shall set forth *each element to be proved, who must prove it, and by what standard of proof it must be proved*. Each party shall also submit instruction(s) as to *each type of relief and damages sought and a proposed verdict form*. Such proposed instructions and verdict form, in addition to any other special instructions the parties wish to submit, shall be submitted to the Court no later than **Tuesday, June 1, 2010**, and shall be supported by citations of authority pursuant to Local Rule 7.4. Each party shall send a copy of the prepared jury instructions as an electronic mail attachment in Word Perfect or Word Perfect-compatible format to [carter\\_chambers@tned.uscourts.gov](mailto:carter_chambers@tned.uscourts.gov). There is reserved to counsel for the respective parties the right to submit supplemental requests for instructions during the course of the trial or at the conclusion of trial upon matters that cannot be reasonably anticipated.

7. ***Final Pretrial Conference:*** A final pretrial conference will be held in this case on - **2 weeks from trial**, at \_\_\_\_ **am/pm**. The parties shall prepare and submit a final pretrial order to the Court on or before the date of the final pretrial conference.

8. ***Trial:*** The trial of this case will be held before the undersigned United States Magistrate Judge **[With/Without Jury]** beginning on \_\_\_\_\_. The trial is expected to last \_\_\_\_ days. Counsel shall be present at **9:00 a.m.** to take up any preliminary matters which may require the Court's attention. The parties shall be prepared to commence trial at **9:30 a.m.** on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or anytime during the week of the scheduled trial date. **SHOULD THE SCHEDULED TRIAL DATE CHANGE FOR ANY REASON, THE OTHER DATES CONTAINED IN THIS ORDER SHALL REMAIN AS SCHEDULED. SHOULD THE PARTIES DESIRE A CHANGE IN ANY OF THE OTHER DATES, THEY SHOULD NOTIFY THE COURT AND SEEK AN ORDER CHANGING THOSE DATES.**

SO ORDERED.

ENTER.

\_\_\_\_\_  
WILLIAM B. MITCHELL CARTER  
UNITED STATES MAGISTRATE JUDGE